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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Eddie Chen, et al.	) Group Art No.: 3728
Application No:	10/679,216	) Examiner: Mohandesi, Jula M
Filed:	10/03/2003	) Re: **Election**
For:	"Shoe having a Reinforcement ..."	) Our Ref: B-5255 621327-9
		) Date: August 10, 2005

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the non-final Office Action mailed on July 19, 2005, a reply to which is initially due by August 19, 2005. Please consider the following remarks. **All remarks herein are made without prejudice.**

In response to the Office Action, Applicants provisionally elect Species IV (Figure 5). The Claims 1-2 and 15-20 read upon the elected Species IV.

While the Applicant concurs with the Examiner's finding that Species I – Species IV are patentably distinct, the Applicant traverses the restriction requirement because the Examiner improperly issued the requirement. Species I – Species IV are related because they each disclose a shoe and Claim 1 is a generic claim encompassing all of the species.. According to MPEP § 808.02, a restriction of distinct, but related inventions is proper only if the inventions are classified separately, have a separate status in the art, or require different fields of search. In the present case, because Species I – Species IV pertain to a shoe, the claims are not classified separately, do not have a separate status in the art, and